

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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:
CLAUDE GALLAND, VIOLAINE GALLAND,
PARISTUDIOS, : **Docket No.:** 14 CV 4411
: (SULLIVAN, RJ) (ELLIS, RL)
Plaintiffs, :
-against- : **AUTOMATIC DISCLOSURE**
JAMES JOHNSTON, JUDITH JOHNSTON, STEPHEN :
BOWDEN, TERRI BOWDEN, :
Defendants. :

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Defendants JAMES JOHNSTON and JUDITH JOHNSTON, by their attorney, Lisa R. J. Porter, Johnston Porter Law Office, P.C. (JP Law, PC), hereby provides the following Automatic Disclosure pursuant to the requirements of Rule 26 (a) (1) (A) (i), (ii), (iii) and (iv) of the Federal Rules of Civil Procedure:

1. “The name and, if known, the address and telephone number of each individual likely to have discoverable information-- along with the subjects of that information --that the disclosing party may use to support its claims or defenses, unless the use would be solely for impeachment;”:

Response:

- a. James Johnston; 1025 Pinecrest Terrace, Ashland, OR 97520; Telephone: (541) 482-5556. The subject matter of which James Johnston has information relates to the rental of the apartment located at 22 Rue St. Severin, 2nd Floor, Paris, France 75005 (the “subject apartment”); the rental agreement for the subject apartment; Mrs. Johnston’s review of the subject apartment on the Home Away/Vacation Rentals by Owner (“VRBO”) website; Mrs. Johnston’s e-mails to/from VRBO; e-mails from/to Claude Galland; telephone conversations with Claude

and Violaine Galland; and The Home Away/VRBO Content Guidelines and Terms and Conditions of the VRBO User Agreement.

- b. Judith Johnston; 1025 Pinecrest Terrace, Ashland, OR 97520; Telephone: (541) 482-5556. The subject matter of which Judith Johnston has information relates to the rental of the apartment located at 22 Rue St. Severin, 2nd Floor, Paris, France 75005 (the “subject apartment”); the rental agreement for the subject apartment; her review of the subject apartment on the Home Away/Vacation Rentals by Owner (“VRBO”) website; her e-mails to/from VRBO; e-mails from/to Claude Galland; telephone conversations with Claude and Violaine Galland; and The Home Away/VRBO Content Guidelines and Terms and Conditions of the VRBO User Agreement.
- c. Claude Galland; 166 West 75th Street, Suite 1208, New York, New York 10023; Telephone: (917) 770-1046. Upon information and belief, the subject matter of which Claude Galland has information relates to the rental agreement for the subject apartment signed by James and Judith Johnston; the rental of the subject apartment by others prior to and after its rental by the Johnstons in May, 2014; financial records and bank accounts regarding the rental of the subject apartment for one year prior to May, 2014, through and including the present date; documents identifying other parties who rented the subject apartment, and the period rented, for one year prior to May, 2014, and for the time period from May, 2014, to present; contracts and alleged potential contract(s) for the rental of the subject apartment from May, 2014, to present; Paris Studios 501(c) tax exempt status; online reviews posted with respect to the subject apartment, including the review posted by Judith Johnston; the agreement between plaintiffs and Home

Away/VRBO; plaintiffs' posting with respect to the subject apartment on the Home Away/VRBO website; the Home Away/VRBO Content Guidelines and the Terms and Conditions of the Home Away/VRBO Agreement; e-mails or other correspondence or documents sent to and received from Home Away/VRBO, and other third parties, regarding mitigation of damages, and request for removal of the review by Mr. Galland pending the outcome of the litigation; Any follow up comments by Mr. Galland, Mrs. Galland or Paris Studios posted in response to Mrs. Johnston's review. Mr. and Mrs. Galland's e-mails to and telephone conversations with James or Judith Johnston; and e-mails sent to Mr. Galland by VRBO.

- d. Violaine Galland; 166 West 75th Street, Suite 1208, New York, New York 10023; Telephone: (646) 266-8033. Upon information and belief, the subject matter of which Violaine Galland has information relates to the rental agreement for the subject apartment signed by James and Judith Johnston; the rental of the subject apartment by others prior to and after its rental by The Johnstons in May, 2014; financial records and bank accounts regarding the rental of the subject apartment, for one year prior to May, 2014 through and including the present date; documents identifying other parties who rented the subject apartment, and the period rented, for one year prior to May, 2014, to present; contracts and alleged potential contract(s) concerning the rental of the Subject Apartment from May, 2014, to present; online reviews posted with respect to the subject apartment, including the review posted by Judith Johnston; the agreement between plaintiffs and Home Away/VRBO; plaintiffs' posting with respect to the subject apartment on the Home Away/VRBO website; the Home

Away/VRBO Content Guidelines and the Terms and Conditions of the Home Away/VRBO Agreement; e-mails or other correspondence or records sent to and received from Home Away/VRBO, and other third parties, regarding mitigation of damages, and removal of the review pending the outcome of the litigation, and any follow up comments to the Johnston's review posted; and e-mails to and telephone conversations with James or Judith Johnston; and e-mails sent to Mr. Galland, Mrs. Galland or Paris Studios by VRBO.

2. "A copy--or description by category and location--of all documents, electronically stored information, and tangible things that the disclosing party has in its possession, custody or control and may use to support its claims or defenses, unless the use would be solely for impeachment;":

Response:

The undersigned has in his possession:

- 1) a copy of the Vacation Rental Agreement signed by James and Judith Johnston with respect the subject apartment; 2) a copy of Judith Johnston's review of the subject apartment; 3) e-mail correspondence to/from VRBO and Judith Johnston 4) copies of other online reviews of the subject apartment; 5) copies of e-mails to Judith and James Johnston by Mr. Galland, including an e-mail offering of \$200 to remove the review of the subject apartment, a free night's stay and also regarding threatened litigation; 6) a copy of the Home Away/VRBO Content Guidelines and the Terms and Conditions of the VRBO Agreement; 7) a copy of the Gallands' VRBO listing with respect to the Subject Apartment.
3. "A computation of each category of damages claimed by the disclosing party—who must also make available for inspection and copying under Rule 34 the documents or other evidentiary material, unless privileged or

protected from disclosure, on which each computation is based, including materials bearing on the nature and extent of injuries suffered;”:

Response:

The response to this item should primarily be provided by plaintiff. However, pending the outcome of this case, an application may be made by defendants James and Judith Johnston, pursuant to Federal Rule 54, for attorneys’ fees and related nontaxable expenses. It is premature at this point in the litigation to determine the amount of attorneys’ fees and related nontaxable expenses which may be sought.

4. “For inspection and copying as under Rule 34, any insurance agreement under which an insurance business may be liable to satisfy all or part of a possible judgment in the action or to indemnify or reimburse for payments made to satisfy the judgment.”

Response:

None.

Dated: September 21, 2015

Respectfully,

JP LAW, P.C.

S/

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